

**SUPREME COURT MINUTES
FRIDAY, JUNE 6, 2008
SAN FRANCISCO, CALIFORNIA**

S162511 C058382 Third Appellate District **VALDIVIA, SR., (NOEL) ON
H. C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162571 B204880 Second Appellate District, Div. 7 **SANCHEZ (STEPHEN) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2008.

S162671 A121001 First Appellate District, Div. 4 **BEASLEY (WILLIE R.) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 16, 2008.

S162798 B206602 Second Appellate District, Div. 3 **ELSTER (JERRY) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162802 A120880 First Appellate District, Div. 2 **GZIKOWSKI (JOHN) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162806 D052293 Fourth Appellate District, Div. 1 **SOARES (MANUEL M.) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S033149**PEOPLE v. WEAVER
(LATWON REGENIAL)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the reply brief by September 10, 2009, counsel's request for an extension of time in which to file that brief is granted to August 8, 2008. After that date, only six further extensions totaling about 398 additional days will be granted.

S048543**PEOPLE v. ROUNTREE
(CHARLES F.)**

Extension of time granted

Good cause appearing, and based upon counsel Peter R. Hensley's representation that he anticipates filing the appellant's opening brief by May 1, 2009, counsel's request for an extension of time in which to file that brief is granted to July 28, 2008. After that date, only five further extensions totaling about 277 additional days are contemplated.

S052374**PEOPLE v. BROWN (STEVEN
ALLEN)**

Extension of time granted

Good cause appearing, and based upon counsel Emry J. Allen's representation that he anticipates filing the appellant's opening brief by August 4, 2008, counsel's request for an extension of time in which to file that brief is granted to August 4, 2008. After that date, no further extension is contemplated.

S062417**PEOPLE v. SILVERIA
(DANIEL TODD) & TRAVIS
(JOHN RAYMOND)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender John Fresquez's representation that he anticipates filing appellant Daniel Todd Silveria's opening brief by November 2009, counsel's request for an extension of time in which to file that brief is granted to August 8, 2008. After that date, only eight further extensions totaling about 450 additional days are contemplated.

S075136**PEOPLE v. COVARRUBIAS
(DANIEL SANCHEZ)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Bridget Billeter's representation that she anticipates filing the respondent's brief by July 31, 2008, counsel's request for an extension of time in which to file that brief is granted to July 31, 2008. After that date, no further extension is contemplated.

S082915**PEOPLE v. EUBANKS
(SUSAN DIANNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Megan J. Beale's representation that she anticipates filing the respondent's brief by October 15, 2008, counsel's request for an extension of time in which to file that brief is granted to August 5, 2008. After that date, only one further extension totaling about 70 additional days is contemplated.

S087560**PEOPLE v. NADEY, JR.,
(GILES ALBERT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 11, 2008.

S095868**PEOPLE v. DANIELS (DAVID
SCOTT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 4, 2008.

S113280**PEOPLE v. RUIZ (ALBERT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 8, 2008.

S120750
(KEVIN

PEOPLE v. PEARSON

DARNELL)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 28, 2008.

S140077

WALLACE (KEONE) ON H.C.

Extension of time granted

Good cause appearing, and based upon counsel Michael Cross's representation that he anticipates filing the informal reply by July 28, 2008, counsel's request for an extension of time in which to file that document is granted to July 28, 2008. After that date, no further extension is contemplated.

S152074

**WILSON (LESTER
HARLAND) ON H.C.**

Extension of time granted

Petitioner's request for relief from default is granted.

Good cause appearing, and based upon counsel Michael Meaney's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 20, 2009, counsel's request for an extension of time in which to file that document is granted to July 21, 2008. After that date, only three further extensions totaling about 180 additional days are contemplated.

S158073

**COWAN (ROBERT WESLEY)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Mark Goldrosen's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by August 7, 2008, counsel's request for an extension of time in which to file that brief is granted to August 7, 2008. After that date, no further extension is contemplated.

S159540**BENNETT (ERIC WAYNE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Annie Featherman Fraser's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by September 1, 2008, counsel's request for an extension of time in which to file that document is granted to July 31, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S160736 B193831 Second Appellate District, Div. 7**PEOPLE v. LAWRENCE
(RINGO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's answer brief on the merits is extended to July 7, 2008.

S163225 B193640 Second Appellate District, Div. 3**GREWAL (ANTOINETTE) v.
MARTIN (W. JOHN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply to answer to petition for review is hereby extended to June 9, 2008.

S163492 A119981 First Appellate District, Div. 1**WHITAKER (FRED A.) v. S.C.
(CITY & COUNTY OF SAN
FRANCISCO)**

Order filed

The application of petition for leave to file Petition for Writ of Mandate is hereby denied.

S164015**PEOPLE v. RAY (THEODORE
WILLIAM)**

Transferred to Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S162323**KERLAN, JR., ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that MILTON KERLAN, JR., State Bar No. 39719, be suspended from the practice of law for three years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 13, 2008. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and be payable in equal installments prior to February 1 with membership fees for the next two billing cycles following the effective date of this order. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162324**FRASER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PETER FRASER, State Bar No. 47828, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 14, 2008. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and be payable in equal installments prior to February 1 with membership fees for the next two billing cycles following the effective date of this order. It is further ordered that if respondent fails to pay any installment

within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162325**ARDALAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that KAVEH ARDALAN, State Bar No. 188775, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 30, 2008. It is also ordered KAVEH ARDALAN comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2009 and 2010. It is further ordered that if KAVEH ARDALAN fails to pay any installment of the disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162326**PHILLIPS ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that RICHARD ANSON PHILLIPS, State Bar No. 157669, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162327**PORTALES ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ELIAS FRANCISCO PORTALES, State Bar No. 230402, be suspended from the practice of law for eighteen months, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 6, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S162329**TARLOW ON DISCIPLINE**

Recommended discipline imposed

It is ordered that RICHARD GARY TARLOW, State Bar No. 72889, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 25, 2008. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162317**SCOTT ON RESIGNATION**

Resignation declined

This court having received and considered the voluntary resignation of ROBERT KINGSLEY SCOTT, State Bar No. 113605, as a member of the State Bar of California, declines to accept the resignation. (Cal. Rules of Court, rule 9.21(d).)